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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/729,184
Filing Date: December 04, 2003
Appellant(s): LEFEVRE ET AL.

Matthew Blackburn
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 10, 2009 appealing from the Office action mailed July 25, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 6, 17, 28 & 31-32.

Claims 1-5, 7-16, 18-27 & 29-30 have been canceled.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

| | | |
|-----------------|-------------------------|---------|
| 2002/0071940 A1 | ARNOLD et al. | 06-2002 |
| 5,817,243 | SHAFFER | 10-1998 |
| 6,521,326 B1 | FISCHER et al. | 02-2003 |
| 6,017,138 | REISS et al. | 01-2000 |
| 4,954,422 | LAMPRECHT et al. | 09-1990 |

Arnold et al. (abstract; [0011-17, especially [0012, 15 & 17]; [0019-24], especially [0023]; [0035-37]; [0041-45], especially [0044-45]; [0053-58], especially [0056-58] & claims) teach making multilayered shaped articles, where the shaped article may be metallized for EMI shielding, decorative &/or reflective purposes, explicitly teaching the usefulness of their multilayered structures as **reflectors for automotive vehicles**, and mentioning use for improved **reflective surfaces** such as in **lamp housings, vehicle reflectors or headlights**, etc. ([0035]; [0043] & [0053]). Arnold et al. teaches metallization &/or decoration may be done before or after shaping of the film to be metallized & optionally decorated (metallization may be the decoration or decoration may be additional, possibly an additional metal layer). However, Arnold et al. provides reasons relating to the integrity of the film for why it may be beneficial to shape before metallizing or to complicated designs for decoration after metallization. Note in Arnold et al., the film layers that are metallized, where the forming of the final completed object is done by injection molding to create the body of the object, with the film/component & its metallized layer(s) attached during the injection molding process, can be considered to read on components as contemplated in appellants' claim 32, although not relating to specific design choices, such as employing headlamp reflectors with symmetrical elliptical the shapes, so but that a single mold can be used for both right & left side reflectors. Above-mentioned [0035] notes that the three-dimensional forms used to create housings for a variety of purposes including reflectors, may be symmetrical or non-symmetrical, encompassing claimed shapes. Note that in order to provide the shielding feature to the electrical products (consider to be inclusive of the taught headlights housing & reflectors, where housing is considered a possible meaning of mask), with which Arnold et al.'s multilayered structures are used, it is taught that the metallized layer is grounded with a "ground trace", which may be attached by various methods, inclusive of laser melting or laser heating, that is used to melt or soften a portion of the metal layer that disposed over the ground trace ([0024] & [0064]), hence showing compatibility with laser processing.

While Arnold et al. teach reflective surfaces used with headlights, as well as lamp housings & vehicle reflectors explicitly, as well as teaching the possibility of decorative effects employed with their process, they do not teach a particular shape of lamp housing or explicitly that the lamp housing is for headlights, hence right & left side headlamp reflectors, nor consequently do they teach decorating or modifying their headlights via patterning of the reflective metal used on housing or reflector parts, nor doing so via laser ablation. With respect to the taught lamp housings, it would have been obvious to one of ordinary skill in the art to have applied this teaching to the taught reflective parts for headlights, or for housings thereof, considering the teachings on chrome like finishes for vapor deposited aluminum, with vehicle reflectors being listed alongside both lamp housings & headlights, and to thus employ conventional shapes of structures made to hold vehicle headlights or taillights, which would have reasonably been required to have an orifice or opening for the headlight bulb & lens, in order to be functional.

Respect to the injection molded components for right & left side headlight reflectors being identical, this is considered a design consideration dependent on whether or not one desires the pair of headlights to be identical shapes or mirror images of each other, either of which option would have been expected to be included in standard design choices, as would an elliptical shape for headlight reflector, hence the claim of identically molded components is not considered to be of patentable significance due to obvious known style variations employed by the automotive industry, commonly familiar to the general public. The examiner further noted that performing the metal patterning via laser ablation has no particular significance to the limitation of employing a single mold for right & left side headlamp reflectors, especially considering there is no particular differentiation between the claimed ablation employed on either headlamp reflector, however if such were to be claimed, then tailoring the ablation for the specific enduse, i.e. side vehicle on which the reflector is to be position, would have been a matter of

engineering competence & reasonably expected to have been determined by known optical reflection requirements for a effectiveness and safety.

Shaffer et al. teach creating decorative contrast designs on motorcycle and automobile parts, and which employ a laser scanning process with pulsed lasers, such as YAG, CO₂ and excimer lasers, where the parts to be treated include molded translucent or transparent plastic substrates that are for automobile or motorcycle light globes and lenses, or mirrored glass, etc. It is taught that parts may be directly etched, or plated with metal and then laser ablated to affect taught designs, where the effect of such designs will have masking or transmissive or reflective effects. See the abstract; figure 1; col. 1, line 6-15 & 35-63; col. 2, lines 8-39, with lines 20-39 particularly directed mirrored parts that are laser ablated to remove coatings from a surface of the mirror ≡ reflector; col. 3, line 63-col. 4, lines 1-34, 43-53 & 61-67; col. 5, lines 1-14; examples on col. 6-8, especially example 1, 3 & 5. Examiner noted the inherent effect of using the taught laser fluence to remove the front or coated back from a mirror surface, as Shaffer et al. in creating designs, would have been expected to be removal of reflective surfaces, as the coatings are generally what supply the reflective nature, such that one of ordinary skill in the art would have expected the effect on the reflective surface to be that when reflective coatings are removed from mirror surfaces, those surfaces are no longer reflective.

With respect to employing decoration & designs on vehicle light structures, Shaffer et al. discussed above provides teachings & motivation concerning the desirability of decorating car part structures, including those related to the headlights, and including to do so via metallization that is to be ablated in order to form desired design with transparent & opaque regions, thus it would have been obvious to one of ordinary skill in the art, to employ such decorative techniques on the metallized car parts that are headlight parts, such as reflectors or housing as suggested in Arnold et al., as it is consistent with the primary reference's suggestion that their technique may also be directed to decorative effects in combination with any of the other effects including metallization ≡ reflectors, especially considering

Arnold et al.'s teachings concerning the advisability in many situations of providing the decorative effects after shaping &/or metallization. Note that as decorative effects are optical in nature, especially considering they are being put on light fixtures, they are an optical function.

Also while particular reflector shapes for headlights are not discussed by Arnold et al., one of ordinary skill in the art would have reasonably been expected to employ any known or conventional reflector shape, inclusive of the claimed elliptical inner face with the process as suggested by this combination of references, especially considering above discussed enduses inclusive of both reflectors and headlamps & generic teachings suggesting symmetrical substrates.

With respect to discussion of Shaffer et al., appellants previously argued that "Shaffer's laser etching...***not altering*** the light transmission characteristics of the plastic part" (bottom half of page 18, 7/24/2007 response), but then provide a quote from Shaffer (col. 5, lines 1-14) which says "when the part material is plastic... the laser may desirably leave etched areas opaque to enhance the overall decorative contrast of the design...will not adversely affect the transmission of the light beam", which clearly did not mean what appellants asserted, as "not adversely affecting" is an entirely different meaning than the asserted "not altering", with the cited opaque areas clearly being equivalent to the claimed mask for the claims as written. Considering that "mask" is not a term that has a necessary specific known or required meaning with respect to headlights or the like, and appellants' specification (page 6, lines 1-3) includes teachings their "masks" can provide aesthetic effects, so Shaffer's teachings appear to be quite consistent with the concepts of the claims as written.

In Appellants' previous arguments of 11/20/08, with respect to Arnold et al. (940), discussed (p. 4 of that response) the overall process of figures 13-18, which are for an injection molding process & the arguments were considered unconvincing, because figures 13-16 discussed the reference's option of predecorating & metallizing at the start of the injection molding process, ***since*** as previously pointed out in the rejection Arnold et al. provide reasons why the decorating & metallization may be more desirably

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performed after the shaping, which one of ordinary skill in the art would have reasonably expected to include taught injection molding, since it is an exemplified means of shaping substrates. It is not necessary for a reference to explicitly put all the pieces of their teachings in the same example in order for them to be combined, especially when the reference itself provides reasons for doing alternative processing of steps or orders of steps. Appellants' assertion that every limitation in the claim must be "found either expressly or inherently in the prior art to properly make out a prima facie case of obviousness" was incorrectly applied, since this is what is necessary for anticipation (a 102 rejection), not obviousness (103).

Claim 32 is rejected under **35 U.S.C. 103(a)** as being unpatentable over **Fischer et al.** (6,521,326 B1), and in view of **Shaffer et al.** (discussed above).

Fischer et al. (abstract; col. 11, lines 29-36; col. 14, line 60-col. 15, line 65, especially lines 19 & 60-62; col. 16, lines 25-57, especially 35-47; and col. 17, lines 1-10) teach molding compositions taught to be particularly suitable for automobile construction, useful with any molding technique, with injection molding preferred, especially teaching parts that will be exposed to heat, specifically mentioning ones that will have metallization for reflecting surface properties, and further discussing use with various headlamp components, such as housings, frames, retainers & guides. Fischer et al. further teach that their composite structures having good heat stability are preferably applicable to laser inscription, again noting preference for use on exterior & interior motor vehicle parts (col. 17, lines 1-10). However, while implied applicable to any taught parts, Fischer et al. do not explicitly say that the laser scribing is employed on the taught headlamp components, but it would have been alternately obvious to one of ordinary skill in the art to employ the suggested laser scribing, on these suggested substrates, for such conventional reasons as inscribing serial numbers on the parts or the like. Also while Fischer et al. explicitly teach their process for the reflective parts of headlights, they do not actually call them "headlamp reflectors", however since

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this is a required & standard part of a headlight & suggested by the context of Fischer et al's disclosure, it would have been abundantly evident to one of ordinary skill in the art that reflectors were one of the components being discussed.

As discussed above, with respect to the injection molded components for right & left side headlight reflectors being **identical**, this is considered a design consideration dependent on whether or not one desires the pair of headlights to be identical shapes or mirror images of each other, either of which option would have been expected to be included in known standard design choices, as would an elliptical shape for headlight reflector, hence the claim of identically molded components is not considered to be of patentable significance due to obvious known style variations employed by the automotive industry. The examiner further noted that performing the metal patterning via laser ablation has no particular significance to the limitation of employing a single mold for right & left side headlamp reflectors, especially considering there is no particular differentiation between the claimed ablation employed on either headlamp reflector, however if such were to be claimed, then tailoring the ablation for the specific enduse, i.e. side vehicle on which the reflector is to be position, would have been a matter of engineering competence & would reasonably have been determined by known optical reflection requirements for effectiveness and safety.

With respect to the taught laser scribing, when considered with respect to the taught metallized headlamp parts, the teachings of Fischer et al. do not indicate whether the laser scribing would have been performed before or after metallization, however as previously discussed in **Shaffer et al.** ((above): abstract; figure 1; col. 1, line 6-15 & 35-63; col. 2, lines 8-39, esp. lines 8-19 laser etch in plastic & 20-39 laser ablated to remove mirror coatings; col. 3, line 63-col. 4, lines 1-34, 43-53 & 61-67; col. 5, lines 1-14; Exs. on col. 6-8, esp. Ex. 1, 3 & 5), it has been seen that **laser produced designs** on either coated mirror (reflective) surfaces for vehicles, or in plastic parts can be performed on the plastics itself, hence could have been reasonably before metallization, or can be performed on metal layers deposited on

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plastic, so as to ablate & produce a design, i.e. suggestive of an inscription, hence it would have been obvious to one of ordinary skill in the art to apply the laser techniques of Shaffer et al. in order to perform the suggested laser inscription processes of Fischer et al. on their taught headlamp components substrates, either before or after metallization, depending on where the desired inscription is to be placed & under what conditions it is intended to be visible. Note with respect to headlamp components for left & right, which are otherwise identical in shape, due to style (or economy) considerations, any pattern differentiations would reasonably have been expected to occur at this point.

With respect to Ficsher et al., on page 8-9 of the 11/20/08 after final response, it appeared that appellants were Asserting that while this reference suggests employing injection molding (col. 9, lines 29-36), since they do not provide a specific example of how to do so &/or a specific example applied particularly to headlamp structures that teaches how to injection mold, that the reference is fatally defective, however the examiner did not agree, for instance, if this causes Ficsher et al. to be fatally defective, the examiner would have to conclude that appellants' own specification is fatally defective, since it does not give specific directions on how to perform injection molding either, but like Ficsher et al. merely says to do so. Again appellants arguments provided no convincing reason to consider using identical molded components for both left & right side headlamp reflectors to be unobvious & have patentable significance.

Claims 6, 17, 28 & 31 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **Fischer et al.** (6,521,326 B1), in view of **Shaffer et al.** (discussed above), and further **Reiss et al.** (6,017,138) and **Lamprecht et al.** (4,954,422).

With respect to "headlamp mask" or masks associated with headlamps, while Fischer et al. do not use like phrasing, & which to the examiner's knowledge has no actual or standard meaning in the art, Fischer et al.'s teachings of headlamp housings, frames, retainers & guides, were all considered to read on

possible meanings of appellants' claimed "mask" in light of the apparent general context of appellants' specification, or alternately were obvious due to the similarity of probable meanings, as suggested by appellants' figures. In appellants' claims as presently written, claim 17 is directed to "a mask for motor vehicle headlamps", with description that the mask is made from a component "defining at least one orifice for holding a motor vehicle headlamp lens", thus is considered to remain consistent with the previous discussion repeated above.

While the combination of Fischer et al. & Shaffer et al. provides teachings concerning laser scribing in general, including by metal ablation & laser treating the plastic substrate for patterning effects, it does not provide a teaching of actually texturing the plastic substrate for creating a matt effect via such texturing, whether or not metal is actually ever deposited on the texturized portion, which presently required in both the claim 28 & 17 sequences. However, **Reiss et al.** (detailed discussion below) provides motivation for providing opaque or nonreflecting (i.e. equivalent to dull or matt) patterning on metal parts of headlamps, particularly particular sections of the reflector &/or metal frame (called masks), where **Lamprecht et al.** (col. 1, lines 47-52) in its background provides a teaching of a known laser technique for reducing reflectance by laser texturized a plastic substrate, and then applying a metal layer via vapor deposition, which would have provided an alternative laser scribing technique that would have been expected to be useful for the teaching thereof in Fischer et al., especially in view of Shaffer et al.'s teachings with respect to analogous plastic substrates (i.e. alternative laser treating before metallization), to provide an alternative means of patterning the plastic consistent with their combined processing procedures & motivated by Reiss et al., which would reasonably have been expected to provide the type of surface taught as required by Reiss et al., in order to prevent parasitic reflections, as its use would reasonably have been expected to reduce the reflectance of light by the applied metal at desired surface locations as would have been suggested to one of ordinary skill in the art by teachings of Reiss et al. to thus eliminate the parasitic reflection.

Reiss et al. provides an alternate reason for producing patterning on reflectors for affecting optical functions of reflectors, such as their teaching of three distinct zones, which may be discontinuous, as well as their teachings concerning shadow zones, which are opaque deposits, the purpose of which is to prevent problems from parasitic light in motor vehicle headlamps. Also Reiss et al., being to the same assignee as the present application, can be considered in its discussion of "masks" to provide further probable meanings for appellants' claimed masks, noting that they may be parts with metal surfaces that surround the lamp. See abstract; figures 1-2+; col. 1, lines 5-13 & 34-col. 2, line 16; col. 4, line 46-col. 5, line 12+; and col. 9, lines 39-44. Note concerning parasitic light rays, this reference would have provided motivation for employing the laser patterning of the above combinations in order to affect reflective properties of taught headlamp components, so as to avoid parasitic light problems.

It was previously noted that Appellants' specific arguments of 4/3/2008 with respect to Reiss et al. & Lamprecht et al., were presented as if these were stand-alone references, however these references were not applied to stand by themselves, but as a combination of ternary references, which provide known concepts and means applicable to reflector surfaces. Appellants appeared further contend on pages 16-18 (4/3/08 response) that in order for a reference to be applicable to their claims, it must be directed to motor vehicle headlamp reflectors, which was extraordinarily unconvincing, as it is not only one issue that may make a reference analogous prior art. Teachings concerning properties of & production of reflective surfaces used with most light sources would have been found by the reasonably competent practitioner to be relevant to the making of reflectors for most types of lamp sources, whether they go with headlights, or discharge lamps, etc., as the concepts of needing to reflect for direction &/or focus &/or control of light is analogous to all such usages, where only the details of the particular end use's specific design requirements (not relevant to the generic processing procedures of that texturing or metal ablation) would vary dependent on those end uses.

With respect to the ternary references Reiss et al. and Lamprecht et al, as appellants should be aware, for a teaching or concept of a reference to be relevant, it need not be applied to the identical substrate or for an identical purpose, as long as one of ordinary skill in the art would reasonably find the concept or teaching applicable/relevant to techniques or processes of the reference with which it is combined. Appellants' lengthy 11/20/2008 after final discussion did not provide reasoning that shows inappropriateness of the applied combination, but appears to rely on insisting that only processes explicitly used in manufacturing of motor vehicle headlamp reflectors could ever be considered by one of ordinary skill in the art, however a competent practitioner in the art, is not so limited and narrowminded, but would have been reasonably expected to be able to apply general scientific concepts in different situations or on different substrates when there are analogous properties &/or substances involved.

(10) Response to Argument

On page 6 at the beginning of appellants' arguments, appellants appear to be asserting that the structures the processes of their claims are forming (i.e. reflective surfaces in motor vehicle headlamp components) are not known in the prior art, providing their "Exhibit 1" with respect to their independent claim 32, were each item was mentioned with respect to the claim includes both right & left side headlamp's reflectors &/or components, however as well-set forth in the above rejection, to paraphrase the examiner never asserted that any of the references specifically provide discussion of both headlights together, only that their teachings were with respect to headlamps, reflectors, housings, etc., as set forth above, in general, and that the concept of vehicles having right & left side headlamps is generally known to the public & that these headlamp reflectors may be identical symmetrical shapes is an old and well-known design choice.

In a footnote on page 7 of appellants' 11/20/2008 after final response, **appellants requested evidence** of prior art knowledge & standard design choices stating "If the PTO maintains this rejection... applicants respectively requests that the examiner identify where in the prior art it is shown that (1) right

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& left side headlight reflectors are identical, and (2) either identical shaped headlights or mirror image headlights were "standard design choices". Since such design choices have been known since the early days of car manufacture, the examiner **provided** appellants with **requested documentation** illustrating Model T headlights (excerpts from **The Model T Ford Car** manual, by V. Page & an illustration of **1926-1927 Model T Headlights**), where both right and left headlight have identical shape & employ symmetrical reflectors, thus clearly showing that the examiner was correct in asserting that identical left & right side headlight reflectors were known design choices, i.e. lacking in patentable significance, as it was seen that such design choices are extremely old. Also, as an example of relevant common knowledge, the examiner previously noted in the discussion with respect to Model T headlights, recalling from high school history class, that interchangeable parts for assembly line efficiency was a concept vigorously employed in producing Fords cars, such as the Model T, thus was old and well-known for use in car manufacture and parts thereof. While appellants complain in their arguments that this comment was not documented, they have not denied, contradicted or questioned its historical accuracy.

Appellants set forth arguments with respect to Arnold et al., in view of Shaffer et al., in their section a "ISSUE #1" starting on page 8 & again on page 11-12, where their arguments appear to be predicated on the necessity of the references discussing both right & left side headlight in order to be relevant, i.e. that they necessarily must disclose using only one mold for both headlights, however as set forth in the rejection identical shaped headlights (i.e. symmetrical or elliptical) were considered an old, well-known, obvious design choice, thus were not considered to provide patentable significance to the claims. This assertion of obviousness, at appellants' request, was demonstrated with the example of Model T headlights, to have been an old and well-known concept, going back to the beginnings of headlight production for cars. It is noted that appellants discuss these references on page 13 of their Brief, contending that they teach away from appellants' process. However, the examiner is unclear why this is alleged to be so. Appellants contend that their claim 32 differentiates the right & left side headlights via

laser ablation, however claim 32 metallizes 2 identical components, then employs "selective laser ablation of the metallize inner faces" without requiring any difference in the selective laser ablation between the right & left side reflectors, thus requires no necessary differentiation, hence appellants' argument is unsubstantiated by their own claim language. Appellants further mention their required elliptical inner faces, however the reflector constructions as suggested & illustrated by the supplied documentation is clearly relevant to the elliptical requirement, i.e. note the conformation of the 1926-1927 Model T headlights; & the labeled reflectors in the figures on page 161 of the 1916 Model T manual, showing parabolic reflectors, etc., whose outer circumference is the simplest form of an ellipse, i.e. a circle, thus further showing that appellants' arguments with respect to "teaching away" are unsubstantiated by appellants' claims & the requested supplied documentation itself.

Appellants' discussion on pages 9-11 appear to be repeating previously made arguments, which were previously answered (discussion repeated above), with discussion intertwined concerning using the mold to provide two identical components, however as previously noted, whether one provides the right & left side headlights from the same or different molds, does not provide any significance to the processing steps of the individual headlamp reflectors, but is a design choice as discussed above, where one may or may not differentiate the reflective surfaces of the two headlamp reflectors, depending on design & optical requirements as discussed above also, noting that appellants' claims do not require any differentiation at the laser ablation stage in claim 32.

Appellants state incorrectly on page 14 of their arguments in their Brief that "Shaffer was only cited for its supposed disclosure of producing a right-side headlamp reflector and a left-side headlamp reflector from metallize components by selective laser ablation...", which is a complete fabrication of appellants', since the examiner has never stated that Shaffer et al. discussed both right & left side headlamp reflectors, nor employed this reference to show this concept, hence all arguments based on this misrepresentation lack merit. Appellants' discussion of Shaffer et al. does not appear to discuss the

examiner's actual rejection, or the processing concepts found in Shaffer et al. as they were combined with Arnold et al. (or Fischer et al.) in above rejections, hence fail to provide convincing arguments against the actual combinations & reasons for combinations of concepts as presented above.

In discussing Fischer et al., starting on page 16, appellants cite excerpts from col. 16, lines 43-47, which mention various headlamp components, concluding that Fischer et al. does not disclose moldings may be used as reflectors, conveniently overlooking and skipping immediately prior disclosure in Fischer et al. **in the same paragraph** stating starting on col. 16, line 35, stating "The advantage of using the novel composites is in particular that no matting of the surface occurs in headlamp parts of this type with a reflecting, metallize surface....and reflective properties of metallize surfaces of these moldings are retained. The novel composites may also be used for producing other headlamp components. These headlamp components include in particular headlamp housings, headlamp frames,....". Appellants' statement therefore that Fischer does not disclose his moldings may be used as a reflector, appears to be completely contrary to the actual paragraph from which they take their citation to provide their conclusion, thus fails to be convincing.

Appellants proceed with their arguments, by stating multiple limitations of the claim (second full paragraph on page 17), for which Fischer et al. has not been cited as providing all aspects of these multiple limitations (i.e. elliptical shape & 2 identical components), then concludes that Fischer does not provide all aspects of these limitations, which is actually in agreement with the above rejection based on Fischer et al., which is why the rejection is a 103 rejection. In the discussion bridging pages 17-18, appellants again set forth their arguments with respect to the examiner's rejection of claim 32's headlamp shape & resultant mold limitations, as obvious design choices, however above arguments & requested documentation with respect to such design choice also apply here. Again note that appellants' arguments about the possibility of laser ablation allowing differentiation between reflectors, stating the right & left side headlamp reflectors are differentiated in the claims, which is again not substantiated by the actual

claim language. Appellants' arguments are dismissive about the examiner's discussion of Fischer et al.'s taught laser inscription as combined with it Shaffer et al., however as appellants' claims are inclusive of the combination as set forth by the above rejection for uses of such laser inscription (i.e. appellants' selective laser ablation has no specific purpose or required result with respect to either right or left side headlamp, except that some metal is ablated), thus appellants' arguments fail to be convincing.

In discussing the combination of Shaffer et al., with Fischer et al., in this section bridging pages 19-20, appellants incorporate their previous arguments with respect to Shaffer et al., including their misrepresentation of the reasons for which the examiner applied the reference, thus their arguments are similarly defective & unconvincing, again failing to discuss the actual reasons for which the examiner combined the reference of Shaffer et al., with Fischer et al.

With respect to the rejection of independent claims 17 & 28, which are directed to a different laser patterning technique, also on headlamp components to be used as reflectors, employing a laser to texture surface areas before metallization, thus the teachings of Fischer et al., in view of Shaffer et al., which were acknowledged in the above rejection to not have this specific set of patterning requirements, were further considered as combined above in view of the combined teachings of Reiss et al. & Lamprecht et al., which references appellants discussed separately, never actually discussing the examiner's reasons for combining & reasons for obviousness, hence not actually attempting to refute the reasons for obviousness that were actually set forth in the rejection, thus providing no convincing reasoning is why the above presented reasons for obviousness are insufficient. Repeating series of limitations that are inclusive of limitations a reference has not been said to supply, then saying that the reference does not supply all of those limitations, is not a convincing argument. In discussing Reiss et al., appellants cite one option mentioned in this tertiary reference for creating different reflective zones in a motor vehicle headlamp, however their arguments entirely ignore the reason for the combination of this reference, which is to provide teachings on the need & motivation for creating different reflective zones

on a motor vehicle headlamps reflector, thus fail to provide arguments on why it would not have been obvious to use such teachings for motivation in the above combination, instead their arguments focus on process features supplied by other references.

With respect to Lamprecht et al., appellants' arguments appear to contend that only motor vehicle headlamp reflector teachings can be analogous art, noting that this tertiary reference does not disclose the use of laser irradiation on the specific substrate to form the claimed resulting mask, thus again not actually arguing against the actual applied rejection, but stating that the reference does not supply teachings, that it has not been said or used to supply. While appellants note the discussion on column 1 starting, on line 47, which teaches laser texturing plastic before metallization to reduce the reflectance of the metal layer, they fail to provide any arguments on why the actual combination applied that employs this teaching, is not effective to show obviousness of their claimed invention, thus have failed to provide any convincing reasons why one of ordinary skill in the art of reflective surfaces would fail to recognize the significance of the teachings with respect to a specific reflective surface, such as reflectors as used in motor vehicles, which as shown in Reiss et al.'s teachings, this particular reflective enduse may benefit from zones with reduced reflectance.

For these reasons, appellants' claims, which are directed to well-known coating & patterning processes employing a laser & conventional molding practices, applied to the enduse of making generic motor vehicle headlamps' reflectors or masks, remain considered obvious with respect to the prior art, as set forth in the final rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

/Marianne L. Padgett/

Primary Examiner, Art Unit 1792

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MLP/dictation software

11/15/2009

11/17/2009